

Jonathan D. Clemente
CLEMENTE MUELLER, P.A.
222 Ridgedale Avenue
Cedar Knolls, NJ 07927
(973) 455-8008
Liaison Counsel for Direct Purchaser Class Plaintiffs

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

In re Neurontin Antitrust Litigation

Master File No. 02-1390

THIS DOCUMENT RELATES TO:

Civil Action No. 02-1830

Civil Action No. 02-2731

**LOUISIANA WHOLESALE DRUG
COMPANY, INC., MEIJER, INC. and
MEIJER DISTRIBUTION, INC., on behalf of
themselves and all others similarly situated,**

Plaintiffs,

v.

**PFIZER, INC. and WARNER-LAMBERT
CO.,**

Defendants.

**SUPPLEMENTAL MEMORANDUM OF LAW IN SUPPORT OF DIRECT
PURCHASER CLASS PLAINTIFFS' UNOPPOSED MOTION FOR AN ORDER FOR
DISTRIBUTION OF THE NET SETTLEMENT FUND**

Direct Purchaser Class Counsel, on behalf of the Direct Purchaser Class Representatives¹ and the Direct Purchaser Class² submits this supplemental memorandum of law in support of their Unopposed Motion for an Order for Distribution of the Net Settlement Fund (the “Motion”) filed with the Court on February 27, 2015 (Doc. No. 776) to add the properly documented claim submitted by Drogueria Betances, Inc. of Caguas, Puerto Rico (“Drogueria Betances”) that was inadvertently omitted. The Supplemental Affidavit of Michael Rosenbaum (Managing Director of Berdon Claims Administration LLC (“Berdon”)) (“Supplemental Rosenbaum Affidavit”) in Support of the Motion with Schedule 1 (Revised Summary of Claims Administration Process) and Revised Exhibit A thereto is annexed hereto as **Revised Exhibit 1**. The revised proposed order is annexed hereto as **Revised Exhibit 2**.

As described in the Supplemental Rosenbaum Affidavit, the claim submitted by Drogueria Betances was inadvertently omitted from the Rosenbaum Affidavit executed on February 27, 2015, as well as from the “Summary of the Claims Administration Process” and Exhibit A to the Rosenbaum Affidavit attached hereto.

As described in more detail in the Supplemental Rosenbaum Affidavit, Berdon has reviewed and analyzed the 36 claim forms received from potential Class Members, including the

¹ Louisiana Wholesale Drug Company, Inc., Meijer, Inc., and Meijer Distribution, Inc.

² All persons or entities in the United States that purchased Neurontin from Pfizer at any time during the period of December 11, 2002 through August 31, 2008 and who have purchased generic gabapentin. Excluded from the Class are Defendants and each of their respective parents, employees, subsidiaries, affiliates, and franchisees, and all government entities.

Excluded from the Class are CVS Pharmacy Inc., Caremark, L.L.C., Rite Aid Corporation, Rite Aid HDQTRS Corp., Walgreen Co., American Sales Co, Inc., HEB Grocery Co. LP, Safeway Inc., SuperValu Inc., and The Kroger Co., in their own right as direct purchasers of Neurontin from Pfizer and as assignees limited to their purchases of Neurontin from Class members.

claim submitted by Drogueria Betances. Berdon's final report (the "Revised Summary of the Claims Administration Process"), which sets forth the status of all claims received by this office, is annexed hereto as **Schedule 1** and indicates that Berdon has identified 33 Properly Documented Claims, with total Direct Purchases in the amount of \$4,227,163,034 (**Revised Exhibit A**), which were calculated in the manner outlined in the Plan of Allocation for Direct Purchaser Class.

Three properly-documented claim forms were received after the filing deadline of October 30, 2014, including the claim made by Drogueria Betances. As stated in the Supplemental Rosenbaum Affidavit, Berdon believes the late filing of these claim forms was through no substantial fault of these Class Members. Therefore, we propose to allow these otherwise valid claims to participate in the distribution of the Net Settlement Fund.

Accordingly, since there will be no prejudice to the remaining Class members, it is respectfully requested that the Court enter an Order authorizing distribution of the balance of the Net Settlement Fund, after the deduction of fees and expenses for services rendered by Berdon are paid, to Authorized Claimants as listed on the chart of accepted claims submitted in **Revised Exhibit A** to the Supplemental Rosenbaum Affidavit, in accordance with the Plan of Allocation. The Revised Proposed Order is attached hereto as **Revised Exhibit 2**.

Dated: March 17, 2015

Respectfully submitted,

CLEMENTE MUELLER, P.A.
222 Ridgedale Avenue
Cedar Knolls, NJ 07927
Tel.: (973) 455-8008

By: /s/ Jonathan D. Clemente
Jonathan D. Clemente
Liaison Counsel

**GARWIN GERSTEIN &
FISHER LLP**

Bruce E. Gerstein
88 Pine Street, 10th Floor
New York, NY 10005
Tel.: (212) 398-0055
Fax: (212) 764-6620

**KAPLAN FOX &
KILSHEIMER LLP**

Robert N. Kaplan
Richard J. Kilsheimer
850 Third Avenue, 14th Floor
New York, NY 10022
Tel.: (212) 687-1980
Fax: (212) 687-7714

Co-Lead Counsel for the Direct Purchaser Class Plaintiffs

ODOM & DES ROCHES, LLP

John Gregory Odom
Stuart E. Des Roches
Suite 2020, Poydras Center
650 Poydras Street
New Orleans, LA 70130
Tel.: (504) 522-0077
Fax: (504) 522-0078

**SMITH SEGURA &
RAPHAEL LLP**

David P. Smith
720 Murray Street
P.O. Box 1632
Alexandria, LA 71309
Tel.: (318) 445-4480
Fax: (318) 487-1741

SPERLING & SLATER, P.C.

Paul E. Slater
55 West Monroe Street
Suite 3200
Chicago, IL 60603
Tel.: (312) 641-3200
Fax: (312) 641-6490

**BERGER & MONTAGUE,
P.C.**

Daniel Berger
Eric L. Cramer
Ellen T. Noteware
1622 Locust Street
Philadelphia, PA 19103
Tel.: (215) 875-3000
Fax: (215) 875-4604

**VANEK, VICKERS &
MASINI, P.C.**

Joseph M. Vanek
David P. Germaine
111 S. Wacker, Suite 4050
Chicago, IL 60606
Tel.: (312) 224-1500
Fax: (312) 224-1510

**HEIM, PAYNE & CHORUSH
LLP**

Russell A. Chorush
600 Travis, suite 6710
Houston, Texas 77002
Tel.: (713) 221-2000
Fax: (713) 221-2021

GRANT & EISENHOFER PA
Linda P. Nussbaum
485 Lexington Ave., 29th Fl.
New York, NY 10017
Tel.: (646) 722-8504
Fax: (646) 722-8501

KOHN, SWIFT & GRAF, P.C.
Joseph C. Kohn
One South Broad Street
Suite 2100
Philadelphia, PA 19107
Tel.: (215) 238-1700
Fax: (215) 238-1968

KOZYAK TROPIN &
THROCKMORTON, P.A.
Adam Moskowitz
2800 First Union Financial
Center
200 South Biscayne Boulevard
Miami, FL 33131-2335
Tel.: (305) 377-0652
Fax: (305) 372-3508